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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,288	07/08/2003	Donald R. Manning	2032.0010001	7455

26111 7590 05/25/2005

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WASHINGTON, DC 20005

EXAMINER
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PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/614,288	<b>Applicant(s)</b> MANNING ET AL.	
	<b>Examiner</b> Meredith C Petravick	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Handwritten initials: MC*

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 45 is objected to because of the following informalities:
  - a. The limitation “the releasable locking means” lacks proper antecedent basis in the claims. This limitation was first recited in claim 41, but claim 45 depends from claim 40. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30, 36, 40 and 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Caskey 5,163,565.

Caskey discloses a grain cleaner including:

- a frame work (Fig. 1)
- a grain inlet (2)
- a grain cleaning means (1)
- a grain outlet (Fig. 1A)

The grain cleaning means is an indent cylinder (1) with an inner surface having a plurality of indentations (10). The cylinder is formed of outer sheet material (column 5, line 24) mounted about an inner frame (Fig. 1A where 1 meet the axis).

Regarding claim 42, the inner perforated line and the cylindrical wall can be separated from each other by when removed from the frame by removing the glue or bolts which attached them together (Column 5, lines 26-28).

Regarding claim 43, the cylinder includes an inner perforated liner (10 and 12 combined) made of a polymeric material (Column 5, lines 25-26).

Regarding claim 44, even though the inner perforated liner is held by glue or bolts to the cylindrical wall, friction also inherently exists between them.

***Claim Rejections - 35 USC § 103***

4. Claims 31-33, 37-39, 41 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caskey in view of Yetter 3,455,452.

Caskey discloses the device described above. However, Caskey does not disclose how the outer cylindrical wall is formed and attached to the frame.

Like Caskey, Yetter discloses a grain cleaner with a cylinder. Unlike Caskey, Yetter discloses that the cylinder is formed from placing a sheet of wire mesh around the frame and securing it with frame with split metal bands (16) tightened by bolts (15). These split metal bands are a releasable locking means.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to secure the outer sheet of the cylinder in Caskey to the frame with

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releasable locking means as in Yetter, as one well known means of attaching a cylinder to a frame.

Regarding claims 32 and 38, the cylinder includes an inner perforated liner (10 and 12 combined) made of a polymeric material (Column 5, lines 25-26).

Regarding claims 33, 39 and 45, the inner perforated liner is secured to the outer sheet along an edge adjacent one of the opposite edges accommodating the locking means since it is secured all over by glue (Column 5, lines 27).

***Claim Rejections - 35 USC § 103***

5. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caskey in view of Brye 2,138,021.

Caskey discloses the claimed invention except that the inner perforated liner is not attached to the outer wall only at one edge.

Like Caskey, Brye discloses an inner liner (8) inside an outer wall (4) in a grain separator. Unlike Caskey, Brye teaches that it is desirable that the inner liner be easily removable and replaceable (Lines 12-19). Brye attaches the inner liner to the outer wall only at the edges.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the inner liner of Caskey to the outer wall only as one edge since Brye teaches that fewer attachments make replacement of the liner easier.

***Response to Arguments***

6. Applicant's arguments filed 2/14/2005 with respect to claims 30 and 36 have been fully considered but they are not persuasive.

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Applicant argues that Caskey does not disclose a cylinder that is wrapped around the frame. Merriam Webster's Collegiate Dictionary, 10<sup>th</sup> edition defines wrapped as, "to cover esp. by winding or folding." As seen in Fig. 1B, the cylinder in Caskey covers the frame and therefore, wraps around the frame.

7. Applicant's arguments with respect to claims 31-33 and 37-39 have been considered but are moot in view of the new grounds of rejection. These claims are now rejection under 35 U.S.C. 103 above.

8. New claims 40-46 are rejected as above.

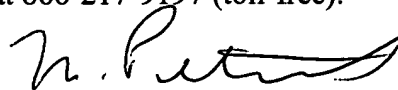
### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Petravick  
Primary Examiner  
Art Unit 3671

5/13/05